

DECLARATION OF SERVICE BY MAIL

I, Larry R. Martinez, declare pursuant to 28 U.S.C. § 1746, under penalty of perjury that on August 20, 2008, I served a true and correct copy of the foregoing DEFENDANTS' NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT, and DEFENDANTS' LOCAL RULE 12.1 NOTICE TO *PRO SE* LITIGANT OPPOSING MOTION TO DIMISS THE COMPLAINT, AND DEFENDANTS MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS THE AMENDED COMPLAINT upon the *pro se* plaintiff by depositing copies of same, enclosed in a first class postpaid properly addressed wrapper, in a post office/ official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to said *pro se* plaintiff at the address set forth below, that being the address designated by *pro se* plaintiff for that purpose:

GLORIA GEAR
Plaintiff *pro se*
5007 Broadway, #6-C
Long Island City, New York 11377

Dated: New York, New York
August 20, 2008

By: _____


LARRY R. MARTINEZ